

Entered -07-12-01 - sb  
CL 01L0446 - GWENDOLYN BURNS

CLAIM OF:

**JAMES C. DICKSON**  
5517 Martina Way  
Atlanta, Georgia 30338

01- *R* -1409

For vehicular damages alleged to have been sustained as a result of a construction site in the roadway that was left in an open and unsafe condition on June 17, 2001 at 1450 West Peachtree Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE  
CITY COUNCIL SEP 17 2001

## ADVERSE REPORT

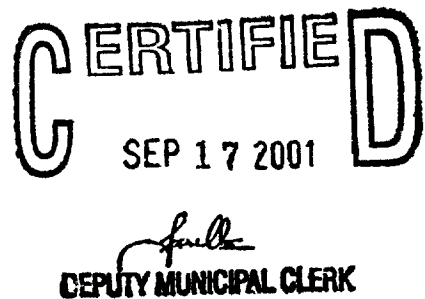
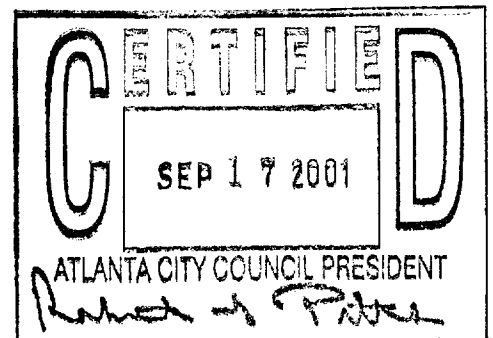
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

CHAIR: *9/17/01* *C. T. Martin*

*Sherry Dwyer*  
*[Signature]*  
*[Signature]*  
   
   
 





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

September 19, 2001

James C. Dickson  
5517 Martina Way  
Atlanta, Georgia 30338

**01-R-1409**

Dear Mr. Dickson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0446

Date: August 26, 2001

Claimant /Victim JAMES C. DICKSON  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 5517 Martina Way, Atlanta, Georgia 30338  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 963.83 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 7/10/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 6/17/01 Place: 1450 West Peachtree Street  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that a private contractor performed work at the incident location. The claimant has been advised of this and his claim has been forwarded to the company for resolution.


INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-30-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1409

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE